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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
CAMERON BOLITHO BROWNE) Examiner: C. Harrison
Application No.: 09/379,729) Group Art Unit: 2672
Filed: August 24, 1999)
For: METHOD AND APPARATUS)
FOR TRANSFORMING A)
SET OF CLOSED CURVES) July 27, 2001

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Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the June 27, 2001 Restriction Requirement, Applicant hereby elects to prosecute Group I, namely, Claims 1-51. The election is made with traverse.

The Office Action premised restriction on MPEP §806.05(d), which relates to "sub-combinations usable together". According to Applicant's understanding, the three groups are not so dissimilar as to qualify as for sub-combinations; rather, all are directed to similar inventive subject matter making restriction between the claims improper. Focusing on the first independent claim in each group (that is, Claims 1, 52 and 55), each involves projection of a pattern comprising a set of continuous second curves over a set of first

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curves in which the set of first curves contains no self-crossover points, a determination of a set of intersection points of the set of first curves with that of the second, a determination of a set of crossover points within the set of intersection points, and a selection based on the crossover points. In Claims 1 and 55, the selection involves a selection of curve intervals delineated by the crossover points from the set of first curves and the set of second curves. In Claim 55, the selection is that of unmarked adjacent crossover points to form a closed loop, with a marking of the selected adjacent crossover points and a repetition of all steps until a set of closed loops has been formed.

In the representative embodiment of the invention, all claims are applied in the field of type-face, font or character images, and thus all have the same utility.

Since all claims in the application are directed to similar inventive subject matter, and have similar utility, Applicant submits that restriction of the claims would not be an undue burden for the Examiner.

Particular, with respect to Groups I and II, it is believed that the Group I claims are generic to those of Group II. Pursuant to MPEP §806.05(d), therefore, restriction is improper.

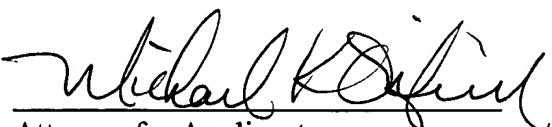
It is further pointed out that the Office Action does not provide an example of separate utility, as required at MPEP §806.05(d). According to these procedural guidelines, the Office Action “must show, by way of example, that one of the sub-combinations has utility other than in the disclosed combination” (emphasis added). Here, no example whatsoever was given. Rather, all that was said that “each invention has separate utility as in a system not having the others”. Such a statement falls far short of the procedural requirement of MPEP, and is believed to be a tacit admission that it is difficult

to discern utility that differs materially from that disclosed. The restriction requirement is, therefore, so defective as to warrant withdrawal.

Withdrawal of the restriction requirement between all groups is therefore respectfully requested, but especially between Groups I and II. In this regard, these classes are very closely related as conceded in the Office Action, which classifies Group I in 345/442 and classifies Group II in 345/441. As will be appreciated, subclass 442 is a first indent under subclass 441, thus reinforcing the notion that the subject matter of these two groups is closely related. The only difference between the two groups appears to be the additional requirement of subclass 442 of a curved line such as an arch. In either subclass, however, the search notes recommend an identical field of search, such that there would be no additional burden on the Examiner to examine both of the Group I and Group II claims.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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